



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

WRIT PETITION NO. 3383 OF 2022

Ganpat Punjaji Chauke

-Vs.-

The Provident Fund Commissioner, PF Sub-Regional Offie, Akola & anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

Mr.S.S.Bhalerao, Adv. for the petitioner.
Mr.H.N.Verma, Adv.for the respondent No.1.
Mr.A.P.Tathod, Adv. for the respondent No.2.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 10TH MARCH, 2025

The record indicates, that the petitioner, who was initially appointed on 12/12/1969, was terminated on 31/07/1989 and was reinstated in terms of the compromise dated 31/07/1997 (Pg.21), thereby granting him continuity of services. Since the applicability of the pension scheme to the employees of the respondent No.2-Bank during the employment of the petitioner, who is claimed to have superannuated in 2001, is not disputed, nor is it disputed, that GPF contribution of the employer for the entire duration has been paid as per the statement of Mr. Tathod, learned counsel for the respondent No.2, it would be necessary to examine the pension scheme, which has been made applicable to the petitioner. In terms of the pension scheme, which is the Employees Pension Scheme 1995, the petitioner has to complete minimum period of 10 yrs as an

employee to be eligible for grant of pension. In the instant case, what is necessary to note, is that after the initial termination of the services of the petitioner on 31.7.1989, the petitioner withdrew the entire amount to the credit of the petitioner in the PF and Pension Fund Account as a result of which, pension fund account came closed.

2. Consequent to the reinstatement of the petitioner with continuity in terms of the compromise dated 31.7.1997 (p21) the petitioner, who superannuated on 31.5.2001, again received the entire amount in lump-sum, being in his pension account on 28.11.2002 and the pension account came to be closed. The petitioner thereafter, approached the Consumer Forum in 2012 with a complaint seeking entitlement to pension, which came to be dismissed on 21.12.2012 (p1 of the Pursis dated 6.7.2022) challenge against which to the State Commission came to be dismissed on 3.5.17(p8) further challenge to the National Commission also came to be dismissed on 22.11.2018 (p15).

3. Para 14 of the Employees Pension Scheme 1995, indicates that a person leaving the employment has an option to receive the entire amount in lump-sum. The petitioner having received such amount is not now entitled to go back upon the same and seek entitlement to pension, more so, when the amount of the pension fund has been received and utilized by the petitioner since 2002. We

therefore, do not see any reason to interfere, the petition is dismissed. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

Belkhede